



cityofnovi.org

PLANNING COMMISSION

CITY OF NOVI

Regular Meeting

Wednesday, June 10, 2009 | 7 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile

(248) 347-0475

CALL TO ORDER

The meeting was called to order at or about 7:00pm.

ROLL CALL

Present: Member Baratta, Member Cassis, Member Greco, Member Gutman, Member Larson, Member Meyer, Chairperson Pehrson, Member Prince.

Absent: Member Lynch (excused)

Also Present: Charles Boulard, Building Official; Kristen Kapelanski, Planner; Jana Pritchard, Planner; Tom Schultz, City Attorney.

PLEDGE OF ALLEGIANCE

Member Baratta led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Greco, seconded by Member Baratta:

VOICE VOTE ON THE AGENDA APPROVAL, MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA.

A motion to approve the June 10, 2009 Planning Commission Agenda. *Motion carried 7-0.*

AUDIENCE PARTICIPATION

No one from the audience wished to speak.

CORRESPONDENCE

Member Baratta stated that there is one letter from one of our Public Hearings that we can deal with at that time.

There is also a letter from John Kuenzel. Mr. Kuenzel has been monitoring the Master Plan for Land Use review and the discussion regarding zoning land in Section 20, at the southwest corner of Beck Road and Eleven Mile Road. Mr. Kuenzel believes there has been a suggestion made that zoning for office land use for that land would be appropriate. He indicates that offices are commercial usage. He surveyed office vacancies surrounding the Section 20 study area, and the areas near Ten Mile and Novi Road, and Ten Mile and Taft Road. Mr. Kuenzel believes that there are too many office vacancies in Novi already and he would not support rezoning additional land for office. Mr. Kuenzel has also attached an article indicating changes in vacant retail space square footage from 2000-2008 from the February 16, 2009 edition of USA Today.

COMMITTEE REPORTS

There were no Committee Reports

COMMUNITY DEVELOPMENT DEPUTY DIRECTOR REPORT

Planner Kristen Kapelanski stated that at the June 1, 2009 City Council meeting, City Council approved the Preliminary Site Plan and Shared Parking Study for the Hotel Baronette. The City Council also approved the First Reading of the proposed changes to the Sign Ordinance.

Ms. Kapelanski also introduced the newest member of our staff, Jana Pritchard. Jana will be replacing the position vacated by Planner, Karen Reinowski and will be working with us as a part-time Planner on Wednesday thru Friday. Jana recently graduated from Michigan State in December, 2008 and also interned with the City of Troy.

Also, the Planning Commissioners term on the Zoning Board of Appeals expires the end of this month. Staff would

like to note that the Planning Commission could recommend a member to serve the upcoming term on the ZBA this evening, should they choose to do so.

CONSENT AGENDA - REMOVALS AND APPROVAL

1. CAMPUS TECH PARK REVISED FAÇADE, ZCM08-17

Consideration of the request of Landry & Newman Architecture for a Final Site Plan extension. The subject property is located in Section 13, north of Eleven Mile Road and south of I-96 between Meadowbrook Road and Seeley Road, in the I-1, Light Industrial District. The subject property is approximately 11.9 acres and Building B is a 14,210 square foot speculative office/research and development/industrial building in the three building general condominium development.

Moved by Member Meyer, seconded by Member Gutman:

VOICE VOTE ON CONSENT AGENDA APPROVAL MOTION MADE BY MEMBER MEYER AND SECONDED BY MEMBER GUTMAN.

A motion to approve the June 10, 2009 Consent Agenda. *Motion carried 8-0.*

PUBLIC HEARINGS

1. RAMAYAH AUTO, SP09-09

Public Hearing of the request of Thomas Abraham Properties for Preliminary Site Plan and Special Land Use Permit approval. The subject property is located in Section 26, on the north side of Nine Mile Road, east of Novi Road, in the I-1, Light Industrial District. The applicant appeared before the Zoning Board of Appeals on February 10th, 2009 and was granted a variance allowing the use in this location even though it does about a residential district on the northern property line. The applicant has now applied for the necessary Special Land Use permit and the property address is 43000 Nine Mile Road.

Planner Kapelanski stated that the applicant is currently occupying an existing lease space at 43000 Nine Mile Road, east of Novi Road. The Community Development Department recently became aware that the applicant has been occupying this space in violation of the Zoning Ordinance as they did not have the required Special Land Use permit. The Zoning Ordinance lists automobile shops as a permitted Special Land Use in the I-1 (Light Industrial District) when the site is not bordering any residential zoning.

In this case, the properties bordering the subject property are zoned for residential uses to the north and south. The property to the north is currently the site of existing apartments. The applicant was sent to the Zoning Board of Appeals on February 10, 2009 where the ZBA granted a variance allowing the use in this location even though it does about a residential district. The applicant is now before the Planning Commission this evening to obtain the required Special Land Use permit. The Planning Commission should consider the findings listed in Section 2516.2.C of the Ordinance. This is a building with multiple lease spaces. Staff has not identified any major concerns regarding this Special Land Use request and therefore recommends approval subject to the conditions in the motion. The applicant is here to answer questions.

Mr. Matt Quinn representing on behalf of Ramayah Auto who operates the business in Thomas Abraham properties located at 43000 Nine Mile Road. Mr. Quinn stated that the Commission has read and heard a good recitation of everything that has happened regarding this business and that his client did obtain the variance that would allow him to apply for the Special Land Use.

The property/units are about 5,400 square feet and there is no advertising sign because of reputation. Mr. Quinn stated that his client is one of the few Indian mechanics in the Metropolitan area and does not need to advertise. This is a small business with no heavy mechanical work, but a lot of electrical and small engine repair which do not create a lot of noise. These are internal units and little noise is heard outside. The bay doors are adjacent to light industrial zoning. To the northwest is multiple-family. At the north end of the parking lot is a carport on the multiple family property, before you get to any occupied building.

Mr. Quinn stated the proposed conditions in Ms. Kapelanski's review letter are acceptable. There will be no more than 24 hour outdoor storage of any vehicle and the applicant will agree to move as many vehicles inside as possible at night. There will be no vehicles stored at any time that are not properly plated and the bay doors will remain closed during the hours of operation. The office doors are on the west side of this unusual piece property and it is

surrounded by light industrial, except for that 184 foot strip in the back. Mr. Quinn stated his client is willing to abide by these reasonable conditions and looks forward to a favorable motion. The owner of the property as well as the owner of the business are here and available for questions.

Chair Pehrson opened the public hearing. Seeing no one, the public hearing was closed.

Member Meyer asked Mr. Quinn if the doors are closed when work is being done and how long the business has been in operation. Mr. Quinn stated that the applicant has been there for two years and there have been no problems with noise. Support letters from the other renters had been turned in to the Zoning Board of Appeals. Mr. Quinn stated that the City Ordinance officer was passing by and saw some un-plated vehicles and this brought attention to the business. Mr. Quinn said the applicant apologizes and did not know he was in violation. Mr. Quinn stated that noise is not a problem and that the bay doors are closed during operation except for vehicles coming in and going out.

Member Meyer had a concern with the tenant space being so closed and compacted and had a concern for the health and welfare of the four employees.

Mr. Quinn said that the building does have proper circulation and ventilation.

Member Meyer asked why it took so long to make the transition from the ZBA in February and then to Planning Commission in June.

Mr. Quinn stated that the applicant was slow in proceeding and that it was not the city's fault.

Moved by Member Gutman, seconded by Member Meyer:

ROLL CALL VOTE ON SPECIAL LAND USE APPROVAL FOR RAMAYAH AUTO, SP09-09, MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER MEYER:

In the matter of the request of Ramayah Auto, Inc. SP 09-09, a motion to approve the Special Land Use permit, subject to the following: 1) A Planning Commission finding per Section 2516.2.c for the Special Land Use permit, that, relative to other feasible uses of the site, the proposed use: A) Will not cause any detrimental impact on existing thoroughfares due to the fact that the use of a 5400 square foot portion of the existing building for minor automobile repair would not generate a substantially different amount of traffic than other permitted uses on the site, B) Is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood *due to the location of the tenant space in relation to the property line*; that the subject property is bordered by a parking garage used by the tenants of the apartments to the north, which partially screens the view of the subject property; the applicant has indicated that the use will comply with ordinance standards related to storage of vehicles; and the petitioner and tenant agree that all work will take place within the building and the doors will remain closed at all times; C) Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; D) Will promote the use of land in a socially and economically desirable manner; E) Is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located as noted in the staff and consultant's review letter; 2) Planning Commission Waiver of the required Noise Impact Statement; 3) That all work will take place within the building, the doors will remain closed at all times and no vehicles will be stored outside pursuant to Section 1903.4.b and Section 1904.4.c of the Zoning Ordinance; 4) Compliance with all conditions and requirements listed in the staff and consultant review letters; For the following reasons: because the Zoning Board of Appeals approved a variance for the location abutting a residential district, subject to the Planning Commission's approval of the Special Land Use standards, and because it is otherwise in compliance with Article 19, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 8-0.*

Moved by Member Gutman, seconded by Member Meyer:

ROLL CALL VOTE ON THE PRELIMINARY SITE PLAN APPROVAL FOR RAMAYAH AUTO, SP09-09, MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER MEYER.

In the matter of Ramayah Auto, Inc., SP 09-09, motion to approve the Preliminary Site Plan, subject to the following: 1) The conditions and items listed in the staff and consultant review letters being addressed on the Stamping Set; For the following reasons: because the Zoning Board of Appeals approved a variance for the location abutting a residential district, subject to the Planning Commission's approval of the Special Land Use standards, and it is otherwise in compliance with Article 19, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 8-0.*

2. BUSCH'S SEASONAL OUTDOOR SALES, ZCM09-12

Public Hearing of the request of Busch's for Preliminary Site Plan and Special Land Use Permit approval. The subject property is located in Section 23, at the northwest corner of Ten Mile Road and Meadowbrook Road, in the B-3, General Business District. The applicant is proposing to occupy a space in front of the existing Busch's grocery store at 41600 Ten Mile Road, for approval of outdoor sales of plant materials and produce.

Planner Kapelanski stated that, as part of the recent Zoning Ordinance Text Amendment, limited outdoor sales of plants and produce are permitted as a Special Land Use in certain districts, including the B-3 District. Busch's has chosen to seek approval under this ordinance with a site plan illustrating their proposed outdoor sales facilities and a request for a Special Land Use Permit. The subject property is located at 46100 Ten Mile Road, just west of Meadowbrook in the Novi-Ten Shopping Center. The subject property is zoned B-3, General Business District and the properties bordering the subject property are zoned for and utilized by residential uses to the north and west and a mix of residential and commercial uses to the south and east.

The applicant is before the Commission this evening to obtain the required Special Land Use Permit and Preliminary Site Plan approval. As illustrated by the provided site plan, the applicant is proposing outdoor sales of produce and plants on the concrete area in front of the existing tenant space. A 6 foot pathway must be maintained from the edge of the concrete sidewalk to the beginning of the outdoor sales bins.

The Planning Commission should consider the findings listed in Section 2516.2.c of the Ordinance in reference to the Special Land Use Permit. Staff has not identified any major concerns regarding this request or the Preliminary Site Plan request and therefore recommends approval subject to the conditions noted in the motion. The applicant is here to answer questions.

Chair Pehrson opened the floor for public comment. The Chair closed the Public Hearing and turned it over to the Planning Commission for their comments.

Moved by Member Gutman, seconded by Member Greco:

ROLL CALL VOTE FOR SPECIAL LAND USE APPROVAL FOR BUSCH'S SEASONAL OUTDOOR SALES, ZCM09-12, MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO.

In the matter of the request of Busch's Seasonal Outdoor Sales ZCM 09-12, a motion to approve the Special Land Use permit, subject to: 1) A Planning Commission finding under Section 2516.2.c for the Special Land Use permit 1)That , relative to other feasible uses of the site, the proposed use: A) Will not cause any detrimental impact on existing thoroughfares due to the relatively minor expansion of an existing business to allow outside sales or plants and produce, which are already available for sale at the Busch's Market; B) Is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood due to the location of the outdoor sales which are proposed to be on the existing sidewalk directly adjacent to the retail store, and is shown to meet the standards of the ordinance for access and hours of operation ; C) Is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use; D) Will promote the use of land in a socially and economically desirable manner as it is an enhancement to an existing business; E) Is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located as noted in the staff and consultant's review letters; 2) Combustible materials shall not be stored under the canopy; 3) Compliance with all conditions and requirements listed in the staff and consultant review letters; For the following reasons: because it is otherwise in compliance with Article 15, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance. *Motion carried 8-0.*

Member Cassis stated that he was happy to see Busch's come to Novi and that they have made the effort to make it a personalized operation. Member Cassis wishes them success with their business.

Moved by Member Gutman, seconded by Member Greco:

ROLL CALL VOTE FOR PRELIMINARY SITE PLAN APPROVAL FOR BUSCH'S SEASONAL OUTDOOR SALES, ZCM09-12, MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER GRECO.

In the matter of Busch's Seasonal Outdoor Sales, ZCM 09-12, motion to approve the Preliminary Site Plan, subject to: 1) Applicant shall maintain a minimum pathway width of 6 feet along the sidewalk; 2) Applicant shall limit outdoor sales to produce and plant material only; 3) Combustible materials shall not be stored under the canopy; 4) The conditions and items listed in the staff and consultant review letters being addressed on the Stamping Set; For the following reasons: because it is otherwise in compliance with Article 15, Article 24 and Article 25 of the Zoning Ordinance and all other applicable provisions of the Ordinance. Motion carried 8-0.

MATTERS FOR CONSIDERATION

There were no Matters for Consideration.

CONSENT AGENDA REMOVALS FOR COMMISSION ACTION

There were no Consent Additions or Removals.

MATTERS FOR DISCUSSION

Chair Pehrson stated that Ms. Kapelanski raised the Zoning Board of Appeals appointment, the term of which is ending soon. Ms. Kapelanski stated that the records indicate that the ZBA term for the Planning Commissioner serving will expire at the end of June. The Commission could consider recommending a new member this evening if they so choose.

Moved by Member Greco, seconded by Member Meyer:

VOICE VOTE FOR RECOMMENDATION TO CITY COUNCIL THAT COMMISSIONER CASSIS CONTINUE TO SERVE ON THE ZBA, MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER MEYER.

A motion to recommend to the City Council that Commissioner Cassis continue to serve on the ZBA. Motion carried 8-0.

SUPPLEMENTAL ISSUES

There were no Supplemental issues.

AUDIENCE PARTICIPATION

No one from the audience wish to speak.

ADJOURNMENT

Moved by Member Prince, seconded by Member Baratta:

Motion to adjourn.

The meeting adjourned at 7:27 PM.

SCHEDULED AND ANTICIPATED MEETINGS

MON	06/15/09	CITY COUNCIL MEETING	7:00 PM
WED	06/24/09	PLANNING COMMISSION MEETING	7:00 PM
FRI	07/03/09	CITY OFFICES CLOSED	
MON	07/06/09	CITY COUNCIL MEETING	7:00 PM
TUE	07/14/09	ZONING BOARD OF APPEALS	7:00 PM
WED	07/15/09	PLANNING COMMISSION MEETING	7:00 PM

THU	07/16/09	MASTER PLAN & ZONING MEETING	7:00 PM
MON	07/20/09	CITY COUNCIL MEETING	7:00 PM
WED	07/29/09	PLANNING COMMISSION MEETING	7:00 PM
THU	08/06/09	MASTER PLAN & ZONING MEETING	7:00 PM
MON	08/10/09	CITY COUNCIL MEETING	7:00 PM
TUE	08/11/09	ZONING BOARD OF APPEALS	7:00 PM
WED	08/12/09	PLANNING COMMISSION MEETING	7:00 PM

Transcribed by Juanita Freeman
Account Clerk
July, 2009

Angela Pawlowski, Planning Assistant Date